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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,496	04/02/2001	Toshiharu Uchida	Q63783	8575

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SUGHRUE, MION, ZINN  
MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.,  
Washington, DC 20037

EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/822,496

Applicant(s)

UCHIDA, TOSHIHARU

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4 - 9, 11 - 12, 15 - 20, 22 - 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 - 9, 11 - 12, 15 - 20, 22 - 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 May 2004 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 4 – 5, 9, 11 – 12, 15 -16, 20, 22 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kariya ("Kariya"; US #6,169,897 B1) in view of Hancock et al. ("Hancock"; US #6,202,023 B1).

As per independent claim 1's "menu display system" that involves "obtaining menu information linked to an area corresponding to the detected current position" (see also independent claim 12), please note that Kariya's MOBILE COMMUNICATIONS SYSTEM, in having CAPABILITIES TO ACCESS LOCAL INFORMATION RESOURCES, makes connection to a URL list server to obtain a link list page (Abstract), as in "controlling the menu display by using the menu information". More specifically, and as shown in Kariya's fig 1, a terminal 2 makes access to a relevant link list page (e.g., the "hyper text" of claims 9, 20), after which the display unit 2d presents the local URL list to the subscriber (col 4, lines 43 – 63). Please note further the example given in Kariya's fig 4 of the local URL list (link list page), as is specific to the West District of Yokohama.

Kariya determines the mobile user's position based upon the location of one of radio base stations 1a – 1n, and is therefore somewhat deficient in its handling of "a menu display in accordance with map data". However, Hancock's INTERNET BASED GEOGRAPHIC LOCATION REFERENCING SYSTEM, in which services are accessed over a computer network, such as the Internet, for users in a mobile environment based on their geographic location (Abstract), makes use of an automatic location identifying

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(ALI) device, such as a GPS receiver (col 3, lines 1 – 45). Responsive to transmitted location information, Hancock's client is automatically presented with a map of the current geographical area. See also col 9, line 65 – col 10, line 23. The claimed "radio communication device" is clearly taught by a Hancock (col 24, lines 14 – 38), and is "for sending position data of the detected current position", so as to obtain the local "menu information" provided in Kariya.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to access and generate a Kariya-style "menu", downloaded to and buffered within a "menu information storage device", on the basis of "map data" and the relative, "radio"-transmitted "current position of a movable body", as Hancock does in an "information obtaining device" that operates with a "detected current position", because this enables a greater flexibility and precision in the list retrieval accomplished by Kariya, since the Hancock client reports directly upon its "position" to the host system at base station 1306 (fig 13).

The "center side server" of claims 4, 15 is to be found in the primary server 1314 depicted in Hancock's fig 13. The connection between Hancock's base station 1306 and the primary server is "the Internet" 1318, as in claims 5,16.

Independent claims 11, 22, which use the "Internet" connection through a "center side server" are rejected using a line of reasoning similar to the one that applies to claims 4, 5.

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As per new claims 23, 24, in which “an event information at a neighborhood of the current position” is indicated, please note that Kariya also refers to EVENTS in the local URL list (fig 4).

3. Claims 6 – 8, 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kariya in view of Hancock and Liu et al. (“Liu”; US #6,349,257 B1).

Though one might presume that the menuing interfaces of both Kariya and Hancock need to begin operations with a certain quantity of generic information that might suggest claim 6’s “predetermined fixed menu information” that accompanies the “menu information that can be updated” (see also claim 17), an **explicit** teaching of such a feature in the combination of those two references is not evident.

However, Liu’s SYSTEM FOR PERSONALIZED MOBILE NAVIGATION INFORMATION is one in which choices presented to the user of the navigation system (abstract) contain the initial generic choices such as is shown figs 4 – 6, so as to provide a resulting list that is ordered according to the user’s preference (col 7, lines 1 – 17).

Thus, it would have been further obvious to the person having ordinary skill in the art to use a system of “predetermined” and “updated” information in a menuing system like Kariya’s when adapted as per Hancock, given that Liu’s analogous disclosure is of presenting both generic and position-specific navigation information to a mobile user.

In traversing the menu structure of Liu, a “menu selecting device” as in claims 7, 18 is needed, so as to access the various screens of the system. This “selecting

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device" (claims 8, 19) "can select any one of a plurality of kinds of the menu information that can be updated", since various options for roadside services can be found in Liu.

4. Applicant's arguments filed 10 May 2004 have been fully considered but they are not persuasive.

Applicant argues at the paragraph bridging pages 11 – 12 that because Kariya's "local representative URL is previously stored in a storage unit 2a in a mobile terminal" and then "sent to the server", so that "the obtained link list page is a projected one, based upon the stored local representative URL", that "Kariya does not disclose, teach or suggest at least the feature of obtaining menu information linked to an area corresponding to the detected current position". However, responsive to the transmission of the local representative URL, Kariya's URL list server 5 then accomplishes retrieval of the local URL list, which indeed reads upon "receiving the menu information" as claimed.

After noting that "Hancock merely discloses a system providing geographic information" (which is also the goal of applicant's invention), applicant then argues at page 12 that "according to Applicant's claimed invention, the menu information includes, for example, an event information at a neighborhood of the current position". However, the Examiner first notes that this limitation does not appear until dependent claims 23, 24. Also, such reporting as to an "event" is still seen in Kariya.

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

3 August 2004